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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/039,821	01/04/2002	Daniel P. Sutula JR.		9519
7590	08/10/2004		EXAMINER	
		KASENGE, CHARLES R		
		ART UNIT	PAPER NUMBER	
		2125		
DATE MAILED: 08/10/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/039,821	SUTULA, DANIEL P.
	<b>Examiner</b>	<b>Art Unit</b>
	Charles R Kasenge	2125

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_ is/are allowed.
- 6) Claim(s) 1-20 is/are rejected.
- 7) Claim(s) \_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    - a) All    b) Some \* c) None of:
      1. Certified copies of the priority documents have been received.
      2. Certified copies of the priority documents have been received in Application No. \_\_\_\_.
      3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_.
- 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_.

## **DETAILED ACTION**

### ***Claim Objections***

1. Claim 18 is objected to because of the following informalities: The “8)” should be deleted. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-20 rejected under 35 U.S.C. 102(b) as being rejected by Hunter U.S. Patent 5,552,992. Referring to claims 1, 18, 19, and 20 Hunter discloses an apparatus and method enabling the precise creation, fitting, and reproduction of objects comprising the steps of:
  - 1) Defining 2-dimensional profile representations of an object (col. 4, lines 46-62)
  - 2) Defining 3-dimensional parametric representations of an object (col. 4, lines 1-31)
  - 3) Converting the profile and parametric data into an electronic format suitable for input to computer aided design and manufacturing (CAD/CAM) programs (col. 4, lines 1-31)
  - 4) Creating a virtual CAD model from the profile and parametric data (col. 4, lines 46-62)
  - 5) Calculating Numerical Control (NC) motion commands from the CAD model using CAM technology (col. 4, lines 46-62)
  - 6) Processing an object using Computer Numerical Controlled (CNC) machine

7) Transmitting data throughout the process, enabling these steps to be conducted at any combination of geographic locations (Fig. 1, 36).

Referring to claims 2, 3, and 7, Hunter discloses the method of claim 1, wherein step 1 comprises a tracing technique and a digitizing device to define the 2-dimensional profiles (col. 2, lines 3-8). Hunter discloses the method of claim 1, wherein step 2 is facilitated by means of printed measuring utensils.

Referring to claims 4-6, 8, 9, and 14, Hunter discloses the method of claim 1, wherein step 1 comprises an optical scanning process and exposure to reactive chemical media, to define the 2-dimensional profiles (col. 4, lines 46-62). Hunter discloses the method of claim 1, wherein step 1 and step 2 comprise a digitizing device to define the 2-dimensional profiles and 3-dimensional parameters (col. 2, lines 3-8). Hunter discloses the method of claim 1, wherein step 1 and step 2 are facilitated by means of integrated instruction and data acquisition form (col. 3, lines 10-15). Hunter discloses the method of claim 14 wherein step 6 comprises a CNC controlled Rapid Prototyping machine capable of directly producing a part (col. 4, lines 46-62).

Referring to claims 10-13, Hunter discloses the method of claim 14 wherein step 6 comprises a CNC controlled machine with a rotating tool, a cutting jet, a cutting wire, and a cutting laser (col. 2, lines 12-16).

Referring to claims 15-17, Hunter discloses the method of claim 1, wherein step 7 comprises data transmitted electronically (Fig. 1, 36). Hunter discloses the method of claim 1 wherein any combination of steps 1-7 may be combined consolidated and/or automated (col. 3, lines 10-15).

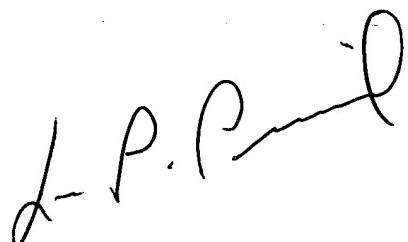
***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles R Kasenge whose telephone number is 703 305-8592. The examiner can normally be reached on Monday through Friday, 8:30 - 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo Picard can be reached on 703 308-0538. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CK  
July 1, 2004



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